

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TROY J. ANDERSON,

Plaintiff,

v.

MARK A. PETERSON, et al.,

Defendants.

No. C 12-0887 JSW (PR)

ORDER OF DISMISSAL

INTRODUCTION

Plaintiff, an inmate in the Contra Costa County Jail, filed this civil action. He seeks money damages from defendants for infringing his purported trademark and copyright of his own name. His application to proceed *in forma pauperis* is granted in a separate order. This Court now reviews the complaint pursuant to 28 U.S.C. § 1915A, and dismisses it for failure to state a cognizable claim for relief.

STANDARD OF REVIEW

Federal courts must engage in a preliminary screening of cases in which prisoners seek redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The Court must identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint “is frivolous, malicious, or fails to state a claim upon which relief may be granted,” or “seeks monetary relief from a defendant who is immune from such relief.” *Id.* § 1915A(b). Pro se pleadings must be

1 liberally construed. *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir.
2 1990).

3 Federal Rule of Civil Procedure 8(a)(2) requires only "a short and plain statement
4 of the claim showing that the pleader is entitled to relief." "Specific facts are not
5 necessary; the statement need only "'give the defendant fair notice of what the . . . claim
6 is and the grounds upon which it rests.'" *Erickson v. Pardus*, 127 S. Ct. 2197, 2200
7 (2007) (citations omitted). Although in order to state a claim a complaint "does not need
8 detailed factual allegations, . . . a plaintiff's obligation to provide the 'grounds of his
9 'entitle[ment] to relief' requires more than labels and conclusions, and a formulaic
10 recitation of the elements of a cause of action will not do. . . . Factual allegations must
11 be enough to raise a right to relief above the speculative level." *Bell Atlantic Corp. v.*
12 *Twombly*, 127 S. Ct. 1955, 1964-65 (2007) (citations omitted). A complaint must proffer
13 "enough facts to state a claim for relief that is plausible on its face." *Id.* at 1974. Pro se
14 pleadings must be liberally construed. *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696,
15 699 (9th Cir. 1990).

16 LEGAL CLAIMS

17 Plaintiff contends that he has a trademark on and copyright protection of his own
18 name. He seeks money damages from defendants, who are county officials, attorneys
19 and police officers, for using his name in various documents. Plaintiff cannot trademark
20 or obtain copyright protection for his own name. *See Abraham Zion Corp. v. Lebow*, 761
21 F.2d 93, 104 (2d Cir. 1985) (a personal name is a descriptive term that cannot, absent
22 acquisition of a secondary meaning, be trademarked); 37 C.F.R. § 202.1(a) (no copyright
23 protection for names); *Kitchens of Sara Lee, Inc. v. Nifty Foods, Corp.*, 266 F.2d 541 (2d
24 Cir. 1959) (same). Consequently, his complaint, even when liberally construed, does not
25 state a cognizable claim for relief and will be dismissed.


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CONCLUSION

For the foregoing reasons, this case is DISMISSED. The Clerk shall enter judgment and close the file.

IT IS SO ORDERED.

DATED: April 24, 2012



JEFFREY S. WHITE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

TROY J ANDERSON,
Plaintiff,

Case Number: CV12-00887 JSW

CERTIFICATE OF SERVICE

v.


COUNTY COUNSEL et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 24, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Troy J. Anderson CC10CL834
901 Court Street
Martinez, CA 94553

Dated: April 24, 2012


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk